

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

RICKY JOE USREY,

Plaintiff,

vs.

DENISE DEYOTT and MIKE
FERRITER,

Defendants.

Cause No. CV 12-00092-H-DLC-RKS

ORDER

Pending before the Court are Plaintiff Ricky Usrey's Renewed Motion for Default Judgment (CD 52), Motion to File a Supplemental Complaint (CD 54), Motion to Make Complaint a Verified Complaint (CD 55), and Motion to File an Amended Complaint (CD 58). The motions will be denied.

Mr. Usrey seeks default judgment as a sanction for alleged discovery violations. He contends he has not been provided grievance documents he requested, and that the state has submitted other unrequested documents that unfairly prejudice his case with the court.

Neither is a basis for default judgment. Mr. Usrey can move to compel discovery of any specific documents to which he believes he is entitled. He may

move to strike any documents that he believes have been improperly filed.

However, according to Montana State Prison grievance officer Billie Reich, Mr. Usrey did not contact her until after he filed the renewed motion for default judgment – and then he received the requested documents. CD 59-1: Reich Aff., ¶¶ 5-6. Defendants also note that the discovery documents that Mr. Usrey alleges have prejudiced his case were not filed with the court. CD 59, p. 2.

Mr. Usrey's Motions to Supplement and Amend his Complaint is untimely. The Scheduling Order issued in this case on February 12, 2013 required all pleadings be amended by April 12, 2013.

Lastly, Mr. Usrey's Complaint filed September 25, 2012 (CD 2) was verified. Therefore his motion to make his complaint a verified complaint is baseless, and a waste of his time, the Defendants' time, and the court's time.

It is **ORDERED**:

1. Mr. Usrey's Renewed Motion for Entry of Default Judgment (CD 52) is denied.
2. Mr. Usrey's Motion to File a Supplemental Complaint (CD 54) is denied.
3. Mr. Usrey's Motion to File an Amended Complaint (CD 58) is denied.
4. Mr. Usrey's Motion to Make his Complaint a Verified Complaint (CD 55) is denied as moot.

5. At all times during the pendency of this action, Mr. Usrey SHALL IMMEDIATELY ADVISE the Court and opposing counsel of any change of address and its effective date. Failure to file a NOTICE OF CHANGE OF ADDRESS may result in the dismissal of the action for failure to prosecute pursuant to Fed.R.Civ.P. 41(b).

DATED this 9th day of September, 2013.

/s/ Keith Strong
Keith Strong
United States Magistrate Judge